

Kai ZEH

Application No. 09/842,323

Amendment Accompanying Request for Continued Examination

Remarks

Reconsideration and allowance of the subject patent application are respectfully requested.

Claim has been amended to correct an informality.

Claims 12 and 14-17 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Hanway (U.S. Patent No. 6,671,726) in view of Bassi et al. (U.S. Patent No. 5,319,645). Applicant again traverses this rejection.

As previously discussed, independent claim 12 is directed to a game submission system for submitting video game programs for reviewing and testing. The system comprises communication circuitry for receiving from a video game developer over the internet a video game program for review and testing and video game program specification data specifying characteristics of the video game program; a memory for storing routing information for one or more video game reviewers and testers; and processing circuitry for automatically sending data regarding the received video game program and video game program specification data to the one or more video game reviewers and testers in accordance with the routing information.

Neither Hanway nor Bassi et al. discloses or suggests the claimed game submission system for submitting video game programs for reviewing and testing.

Hanway relates to sending and receiving e-mails while traveling. A user composes e-mail messages on a laptop computer and these messages are stored on a storage medium such as a floppy disk. The user then takes the storage medium to terminal kiosk connected, for example, to the internet. The kiosk sends the stored messages and stores on the storage medium any messages addressed to the user. According to Hanway:

[t]his system allows the transfer of data between a computer and a computer network without the need to have a modem or conventional access to a telephone line to dial into the user's Internet account. Assuming that the terminals are conveniently located in many public travel places, the user can send and receive e-mails quickly and confidentially for a small fee. Hanway, col. 2, line 62 to col. 3, line 1.

As previously discussed, Hanway contains no disclosure of a video game program or of video game program specification data specifying characteristics of the video game program, much less any disclosure of sending/receiving such information. The e-mail created by the user in Hanway is not received over the internet from a video game developer, nor does Hanway

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contain any disclosure about a memory storing routing information for such received e-mails or about processing circuitry for routing such received e-mails in accordance with the routing information.

Bassi et al. does not remedy the deficiencies of Hanway.

Claim 12 is directed to the reviewing and testing of "video game programs", not specification data as suggested in the office action. The claims describe "specification data" as specifying the characteristics of the video game program. By way of illustration without limitation, the subject patent application provides various examples of specification data such as game title, product code, etc. Like Hanway, Bassi et al. contains no disclosure whatsoever of such specification data. Consequently, even assuming for the sake of argument that video game programs are considered to be a "subset" of programs that could be tested by the Bassi et al. method, the proposed combination of Hanway and Bassi is deficient with respect to the claimed video game program specification data.

The comments in the office action regarding video game specification data are confusing. Page 3 of the office action states that "it was well known in the art at the time of the applicant's invention that video game specifications were a subset of programs requiring testing for correctness" (emphasis added). As discussed above, the claims recite that video game specification data specifies characteristics of a video game program. Such specification data is not a "subset of programs requiring testing for correctness" as alleged in the office action. The Response to Arguments section on page 9 of the office action states that "video game data is a subset of all programs to be tested using the testing method of Bassi" (emphasis added). Even assuming (without agreeing) that this latter statement is correct, the office action does not explain how the combination of Hanway and Bassi results in the claimed video game specification data.

Bassi et al. does not disclose the sending and receiving of programs over the internet and thus does not remedy the deficiencies of Hanway with respect to receiving a video game program and video game program specification data over the internet. For this additional and independent reason, the proposed combination of Hanway and Bassi et al. is deficient with respect to claim 12.

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Claims 14-16 depend from claim 12 and patentably distinguish from the proposed combination of Hanway and Bassi et al. because of these dependencies and because of the additional patentable features contained therein.

With respect to claim 17, the office action alleges that the communication circuitry of the terminal apparatus 16 permits remote access to "the server" and that col. 7, lines 1-63 of Hanway describe "[a] data submission application executed by remote access to a server to enter data to submit to a recipient." However, the referenced col. 7 disclosure of Hanway relates to local, not remote, access of terminal apparatus 16. In particular, the entering of data such as an e-mail to submit to a recipient is done locally at the terminal apparatus because the user's computer is assumed to have no connection to the internet. Hanway does not describe a remotely accessible server that, for example, generates display screens for users that remotely access the server. Hanway simply describes a terminal apparatus used to send and receive e-mails and there is no description whatsoever of remote access of this terminal apparatus by anyone sending video game programs and video game program specification data thereto.

Bassi et al. does not describe a server in a video game program submission system and thus does not remedy the deficiencies of Hanway in this regard. Moreover, Bassi et al. is deficient as described above with respect to video game program specification data.

For all of these reasons, the proposed combination of Hanway and Bassi et al. would not have resulted in the server of claim 17.

Claims 18-21 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Yankovich et al. (U.S. Patent No. 6,704,906) in view of Bassi et al.

Yankovich et al. discloses a routable electronic form system and method in which a user inputs data into an electronic form. As data is entered into the form, visual and non-visual elements in the form will change and provide guidance to the user as to where the form should be routed. However, there is no disclosure in Yankovich et al. of video game program specification data specifying the characteristics of a video game program or of receiving a video game program corresponding to such video game program specification data as set forth in claim 18. Bassi et al. discloses the debugging and testing of programs, but contains no disclosure of video game program specification or of receiving such specification data or a corresponding video game program. Consequently, the proposed combination of Yankovich et al. and Bassi et al. would not have resulted in the subject matter of claim 18.

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Claims 19-21 depend from claim 18 and patentably distinguish from the proposed combination of Yankovich et al. and Bassi et al. because of these dependencies and because of the additional patentable features contained therein.

Pennell et al. (U.S. Patent No. 6,910,179) and Dipaolo et al. (U.S. Patent No. 5,367,619) are applied in connection with dependent claims 22 and 23, respectively. These references do not remedy the deficiencies of Yankovich et al. and Bassi et al. with respect to claim 18, from which claims 22 and 23 depend. For at least these reasons, claims 22 and 23 are believed to patentably distinguish from the applied references.

The pending claims are believed to be in condition for allowance and favorable office action is respectfully requested.

Respectfully submitted,

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